



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/894,009      | 06/29/2001  | Norio Nagai          | Q64866              | 5688             |

7590 12/15/2004  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

|          |
|----------|
| EXAMINER |
|----------|

VIEAUX, GARY

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,009

**Applicant(s)**

NAGAI, NORIO

**Examiner**

Gary C. Vieaux

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The amendments filed on July 15, 2004, have been entered and made of  
5 record.

Furthermore, the Examiner finds the amendments to claims 5 and 7 to  
clarify the claim language and to create proper antecedent basis, respectively.  
Therefore, the objections to claims 5 and 7 are hereby withdrawn.

10

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly  
claiming the subject matter which the applicant regards as his invention.

15

**Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being  
indefinite for failing to particularly point out and distinctly claim the subject matter  
which applicant regards as the invention. The claim is generally narrative and  
indefinite, failing to conform with current U.S. practice. It appears to be a literal  
20 translation into English from a foreign document and is replete with grammatical  
and idiomatic errors.

***Response to Arguments and Amendments***

Applicant's arguments filed on July 15, 2004 have been fully considered but they are not persuasive.

Regarding claim 1 in relation to Hosokawa '202, the examiner agrees with  
5 the applicant that Hosokawa '202 explicitly discloses "the operation member and the indication member are closely related to each other" (col. 2 lines 31-32.)

However, in response to applicant's contention (Amendment, p.6) that Hosokawa '202 does not teach or suggest that the "condition of the digital camera being  
unrelated with said opted mode" and therefore fails to teach or suggest all the

10 limitations of claim 1 (emphasis added), the Examiner respectfully disagrees.

Claim 1 recites a digital camera having plural modes comprising "...a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode." Hosokawa '202 provides for a light

15 source illuminating the indicator, in the case where the power of the camera is ON (col. 2 lines 48-54.) The light source indicates a condition of the camera (the condition of the camera being ON) through lighting of the indicator; the light source indicating a condition which is unrelated with the opted mode of the operation member (sports action mode, close-up mode, landscape mode, etc.)

20 Therefore, Hosokawa '202 is found to provide a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted

Art Unit: 2612

mode. Accordingly, the examiner respectfully upholds the 35 U.S.C. § 102(e) rejection to claim 1.

Regarding claims 2-8, each depend either directly from or indirectly from independent claim 1 and, thus, inherit all the limitations of independent claim 1.

- 5      Consequently, based on their dependence and the foregoing response to arguments relating to claim 1, the examiner respectfully upholds the 35 U.S.C. § 102(e) rejections to claims 2-8.

Regarding claim 1 in relation to Hosokawa '609, Applicant contends

- 10      (Amendment, p.6) that due to the similarity between the mode dial 121 disclosed in Hosokawa '609 and the mode dial disclosed in Hosokawa '202, and because the mode indicated by the indication plate 123 corresponding to the selected mode on dial 121 (col. 6 line 60 – col. 7 line 2), the patents are similarly overcome. The Examiner respectfully disagrees.

- 15              Claim 1 recites a digital camera having plural modes comprising:  
                a mode selecting operation member for choosing one mode among said plural modes;

                plural symbols formed in said mode selecting operation member, each symbol corresponding to said modes;

- 20              an indicator to be set one of said plural symbols by operating said mode selecting operation member, a mode corresponding to said symbol being chosen; and

Art Unit: 2612

a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode.

Hosokawa '609 teaches a digital camera having plural modes comprising:

5 a mode selecting operation member (fig. 1 correlator 121) for choosing one mode among said plural modes (col. 6 lines 50-53);

plural symbols (fig. 1 correlator 123; col. 6 lines 60-64) formed in said mode selecting operation member (fig. 1 correlator 121), each symbol corresponding to said modes;

10 an indicator (internal finder LCD - fig. 5 correlator 45) to be set one of said plural symbols by operating said mode selecting operation member (col. 8 line 67), a mode corresponding to said symbol being chosen (col. 8 line 62 – col. 9 line 4); and

a light source (fig. 4 correlator 47) for lighting said indicator (col. 9 lines 5-6), indicating at least a condition of said digital camera by lighting state of said indicator (col. 9 lines 8-13), said condition of the digital camera being unrelated with said opted mode (col. 9 lines 5-13.)

15

The examiner agrees that the cited passage of Hosokawa '609 teaches similar mode dials to that of Hosokawa '202. Nevertheless, for the reasons cited above, Hosokawa '609 is still found to include all the limitations of claim 1 as written. Accordingly, the examiner respectfully upholds the 35 U.S.C. § 102(e) rejection to claim 1.

20

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

5 A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 **Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Hosokawa et al. (US #6,341,202.)

Regarding claim 1, Hosokawa teaches a digital camera having plural modes comprising:

a mode selecting operation member for choosing one mode among said plural modes (Fig. 1, correlator 121; col. 1 lines 65-67);

20 plural symbols formed in said mode selecting operation member, each symbol corresponding to said modes (Fig. 4A, correlators 124a through 124m; col. 2 lines 18-20 and 30-34);

an indicator to be set to one of said plural symbols by operating said mode selecting operation member, a mode corresponding to said symbol being  
25 chosen (col. 2 lines 27-31); and

a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode (col.2 lines 48-54.)

Regarding claim 2, Hosokawa teaches the digital camera of claim 1 (see 102 rejection to claim 1 supra,) in addition to teaching that the lighting state includes a continuous lighting and flashing which indicate two kinds of condition of said digital camera (col.2 lines 48-54; col. 2 line 65 – col.3 line 4.)

5        Regarding claim 3, Hosokawa teaches the digital camera of claim 1 (see 102 rejection to claim 1 supra,) in addition to teaching that the light source emits a colored light among plural colored lights, said plural color lights indicating plural condition of said digital camera (col. 6 lines 6-35.)

10       Regarding claim 4, Hosokawa teaches the digital camera of claim 1 (see 102 rejection to claim 1 supra,) in addition to teaching that the light source includes plural LEDs that emits different colors (col. 6 lines 29-35; col 11 lines 9-10.)

15       Regarding claim 5, Hosokawa teaches the digital camera of claim 1 (see 102 rejection to claim 1 supra,) in addition to teaching that the indicator includes a transparent cover is disposed on the outside of a camera body (Fig. 1 correlator 121 and col. 45 lines 26-27.)

Regarding claim 6, Hosokawa teaches the digital camera of claim 5 (see 102 rejection to claim 1 supra,) in addition to teaching that the outer surface of said cover is satin finished (col. 10 lines 50-55; col. 14 lines 10-11.)

20       Regarding claim 7, Hosokawa teaches the digital camera of claim 6 (see 102 rejection to claim 1 supra,) in addition to teaching that the light source is disposed under said cover (Fig. 5.)



Art Unit: 2612

Regarding claim 8, Hosokawa teaches the digital camera of claim 7 (see 102 rejection to claim 1 supra,) in addition to teaching that the mode selecting operation member is a dial rotatably attached to a surface of said digital camera body, said indicator being disposed adjacent to said dial (col. 3 line 37-40.)

5

***Allowable Subject Matter***

**Claims 9, 11, and 12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10        Regarding claims 9, 11, and 12, the prior art fails to teach or suggest a lighting of an indicator, the light source indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode and indicating at least one of auto-focus is in operation, camera-shake warning, writing to a memory card, the  
15        memory card is not inserted, the digital camera is malfunctioning and a flash device is being charged.

**Claim 10** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

20        Regarding claim 10, the prior art fails to teach or suggest a lighting of an indicator, the light source indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode and indicating at least one of auto-focus is in

Art Unit: 2612

operation, camera-shake warning, writing to a memory card, the memory card is not inserted, the digital camera is malfunctioning and a flash device is being charged.

5

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is  
10 filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will  
15 the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact**

Any inquiry concerning this communication or earlier communications from  
20 the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-9573. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

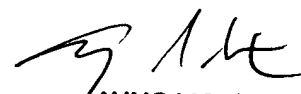
Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

- 5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
- 10

Gary C. Vieaux  
Examiner  
Art Unit 2612

15 Gcv2

  
AUNG MOE  
PRIMARY EXAMINER